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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,948	07/07/2003	Alon Adam	211-2US	6636

5568 7590 11/02/2004

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EXAMINER

KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,948

Applicant(s)ADAM ET AL. **Examiner**

Michael J Kyle

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/7/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: There numerous typographical errors. Specifically, the letter “e” appears to be excluded from many words in the specification, for example, on page 5, line 4, “concentric” is missing an “e”, as is “the” on the last line of page 5. Please revise the specification for all such occurrences.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The “upwardly extending circular pad” and “downwardly extending circular pad” of claims 3 and 5, respectively, must be provided for in the specification. Claim terminology must be consistent with the terminology used in the specification.
3. Appropriate correction is required.

Claim Objections

4. Claims 1-10 are objected to because of the following informalities: There are numerous typographical errors in the claims. Specifically, the letter “e” appears to be excluded from several words, for example, in lines 1 and 2 of claim 1, “swivel”, “vehicle”, and “member”, are all missing an “e”. Please revise all claims for this informality. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3, 5, 8, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3 recites an “upwardly extending circular pad” and claim 5 recites a “downwardly extending circular pad”. It is unclear to which aspect of the present invention this feature is referring, as neither of these “pads” are referred to in the specification.

7. Claims 8 and 10 are rejected because they depend from rejected claims 3 and 5 and include all of the limitations thereof.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (U.S. Patent No. 652,128). With respect to claims 1 and 2, Martin discloses a swivel caster with a top (a) and bottom (g, h) portion attached to a vehicle (not shown in drawings). The bottom caster member (g, h) has a wheel support (figure 1). The bottom member (g, h) has a stub shaft (h), and the top member has a bore and counter bore for receiving the stub shaft (see figure 1). Martin further discloses a first bearing means comprising a stock bearing (l) in the counter bore, and a second bearing means comprising a ring of loose balls (m), in the bore. Applicant appears

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to define a “stock bearing” as a bearing that has already undergone some sort of process, or processes, so that it is immediately ready for installation in the caster. Examiner notes that process limitations are given little patentable weight when read into an article claim. As long as Martin discloses the claimed structural features of the bearing, then the bearings of Martin are considered to be capable of having been through the same process. Examiner also notes that “press fit” is process limitation and is given little patentable weight.

10. With respect to claim 3, Martin discloses an upwardly extending pad (k) mounted in the counter bore, where the bore forms an annular chamber about the stub shaft, and the stock bearing (l) is mounted in within the bore. A part of the raceway is formed in the pad (k).

11. With respect to claims 6-8, the stock bearing (l) is a thrust bearing.

Claim Rejections - 35 USC § 103

12. Claims 4, 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore. With respect to claims 4 and 5, Martin fails to disclose the top member to have a stub shaft extending downwardly into a bore in the bottom member, substantially as claimed. Martin also fails to disclose a downwardly extending circular pad on the top member, substantially as claimed. Examiner notes that this appears to be a reversal of parts that are shown in Martin, and no new or unexpected result has been demonstrated by this arrangement. It would have been obvious to one having ordinary skill in the art at the time of the invention to reverse the parts of Martin, as no new or unexpected result is produced.

13. With respect to claims 9 and 10, Martin discloses the stock bearing to be a thrust bearing.

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Conclusion

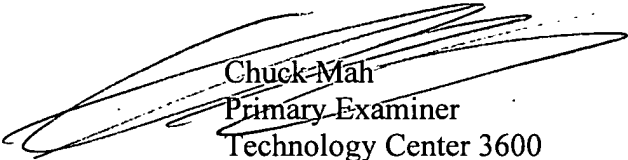
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to bearing arrangements in casters: Janzen, Malloy, Warnock, Cousins, Van Der Meer, Jarvis, Moore, Kaneko, Rewitzer, Stearn, JP '938, and JP '606.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk



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